

Kentucky Water Well Driller's Certification Board

Meeting Minutes
September 14, 2012

Opening Remarks:

Danny Kelly called to order the regular meeting of the Water Well Drillers Certification Board ("the Board") at 10:25 AM, on September 14, 2012. Kentucky Dam Village State Park in western Kentucky was the location of the meeting.

Roll Call:

Danny Kelly made roll call and all board members were present, with the exception of Jim Bates. Kevin Moses attended the board meeting as a guest.

Present:

Danny Kelly Chairman, Regional Water Well Driller Representative
Orris Hayes, Regional Water Well Driller Representative
Bart Davidson, KGS Representative
David Jackson, Cabinet Representative
Todd Mills, Regional Monitoring Well Driller Representative
Roy Toney, Public at Large Representative
Scotty Robertson, Water Well Driller Certification Program Coordinator

Guests:

Kevin Moses of Moses Drilling, Gray, Kentucky

Absent:

Jim Bates II, Regional Water Well Driller Representative

Announcements:

Danny Kelly had no new announcements but Scotty Robertson announced that a former driller Homer Pearson passed away.

David Jackson stated that Gary Levee of the Kentucky Department of Environmental Protection also passed away. Bart Davidson's father also passed away on September 13, 2012. Orris Hayes announced his nephew had been pronounced cancer free after treatment, and he was released from the hospital. David announced the Groundwater Protection Council will meet near the end of September in Nashville, TN. He also announced that the Midwest Groundwater Conference in Minneapolis will have a big emphasis on drilling this year and will meet on October 3, 2012.

Bart had received his official appointment to the water well certification board from Governor Beshear.

No one had any announcements, so Danny moved on to approval of the last meeting minutes.

Reading of Minutes:

Scotty handed out the meeting agenda and the minutes of the July 13, 2012 board meeting prior to the start of this board meeting. The members silently read the minutes of the meeting. Danny asked if everyone had read and was satisfied with the minutes, or had comments. Everyone affirmed that they had read them. Danny asked for a motion to approve the minutes.

Bart Davidson made a motion to approve the minutes of the July 13, 2012 Kentucky Water Well Drillers Board meeting and Roy Toney seconded the motion. Danny asked for a vote to approve the minutes. The motion to approve the minutes was approved unanimously by the board.

Old Business:

Danny started the discussion of old business by asking David whether or not the issues of the Underground Storage Tank Branch, of the Kentucky Division of Waste Management had been addressed. In the previous meeting Mark Sweet had brought to the board's attention that the UST branch was ordering decommissioning domestic use wells as a cleanup method. David reported that the Kentucky Division of Water had not yet looked into this issue. David reported that he is going on vacation and had not yet addressed this issue. He would look into it after he returned.

Danny stated that Scotty Robertson and he had attended the South Atlantic Jubilee in Virginia Beach and the meeting had a lot of good classes which they attended.

Danny asked the status of Layne project. Scotty said that the plan had been approved based on the boards comments.

Orris had been in touch with Leslie Combs and Ray Jones members of the Kentucky House of Representatives. Leslie Combs is going to bring the geothermal bill to the House early in the next meeting of the Kentucky legislature. He urged the board members to talk to their senators and representatives. Orris intends to visit additional politicians. He wanted to know the exact date the next session of congress would meet. David responded that it begins the first Monday in February of 2013. Orris believes that they are in good shape to present the bill to the legislature. Roy Toney asked to see a copy of the bill and a copy of one was provided to him.

David cautioned the board to be sure to address financing in the bill due to EEC objection due to costs. He also advised them to be sure to provide support for the bill indicating that the benefits of the bill will far out weigh any costs of the bill.

Kevin stated that there will be a lot of well logs generated by regulations and he is not sure who will be handling them at state level. Devin Carigan and Jo Blanset who currently handle water and monitoring well logs are going to get swamped. Kevin said a good database for KGS will be generated, but there is a "large can of worms" being opened here. David reiterated the need for putting in some means of support for the bill. The Energy and Environment Cabinet will have to hire additional personnel to handle the requirements of the bill, and this will add additional cost. David wanted them to understand the need for addressing these costs up front.

Orris asked that the DOW look back to the beginning of the certification program for the operations cost of the certified water well drillers program, and then later to the cost of the monitoring wells program to obtain estimated cost and workloads for requiring licensure of geothermal drillers. Orris stated that it probably added a lot of paperwork.

A short discussion followed about data entry by drillers and staff on the computer. Todd Mills said doing his logs on the computer speeds up the process. Others commented that they have troubles with the online system and prefer to do them on paper. Scotty said even with computers the Division of Water (DOW) still has to hire people to operate them and process the well data being submitted. David said historically the DOW had a Groundwater Branch with 35-40 employees. Now we are a groundwater section within the Watershed Management Branch (WMB) and are now down to seven employees doing the same amount of work, due to attrition and reorganization of the DOW. In the past, the Groundwater Branch had four or five people totally dedicated to entering well data and a couple of others operating the program. Now it is down to one person overseeing the program with some part-time support staff from other sections in the WMB to enter the well records.

David stated that Deven Carigan is basically, the only person who handles the data entry of well logs. If we get too far behind, then everyone in the section will stop what they are doing to enter well logs, if necessary for months at a time. Kevin said his point is if this regulation goes into effect there will be a lot more paperwork generated for the DOW to process. Todd asked what the difference in level of effort is for process paper and electronic reports. Todd asked about charging fees for well logs and suggested a \$5.00 fee per log. David said that in internal cabinet discussions, staff members had suggested that the regulations be opened for adding fees. Todd stated that while he is not advocating fees he understands their need to operate the program. Todd would like input from Jo Blanset and Devin Carigan on this matter. A consensus was reached, that the need for progress was evident in order to reduce costs.

Kevin is concerned that regulation may get rewritten by legislature from what the drillers' board proposes. He is against grouting holes completely. He states Tennessee required this and it has curtailed business there. David stated there are no guarantees, what eventually becomes law will be a compromise between the drillers, legislature and other interested parties.

David said that the law would probably allow for variance. Kevin does not want variance processes to slow him down which costs him money. Danny said everything the board does, they have to be careful in the wording. Kevin voiced concerns that regulations will require complete grouting of every geothermal borehole. Orris spoke on his grouting oil and gas well experiences to ease Kevin's concerns that regulations would require grouting every borehole drilled. Orris urged support for proper groundwater protection. Roy suggested having geothermal drillers present at the table when the time comes to iron out regulations on construction. Kevin is in favor of certification of geothermal drillers but wants input on the construction regulations. Todd supports this also.

David said that arranging for proper training for inspectors to regulate the industry will require funding. Danny suggests getting the bill together with the financial aspects nailed down before November. Danny supports fees if necessary.

Kevin does not want anything that may delay him from moving from one site to another quickly. Scotty said if regulations are in place you know what you need to do, in order to do it properly from the start to completion of the job. Danny commented on contracts. Kevin said he cannot have down time at \$3.50 a foot to make a living. Danny talked about notice of intent being required in Tennessee and never having problems. The Board discussed giving leeway in regulations for filing on either side of the job getting started.

Danny suggest that the Board have the bill wording nailed down including financial input, and have it done and finalized before next meeting. Board members are to communicate with each other over this matter by email before then. Danny asked DOW for assistance in getting information on costs. David said DOW would contact adjoining states for information.

Danny indicated the discussion was closed. He then moved on to the next issue, which was the status of the letter to the Division of Plumbing.

David stated he talked to David Moore at the Division of Plumbing and he had clarified the language concerning the frost-free hydrant as an upright hydrant and he has taken the letter to his board for approval. David said we now need to turn it over to DOW administrative people, to work with DOP on a memorandum of agreement.

Danny asked about progress on a new variance request for drilling with reverse circulation drilling method. Scotty said that the water well variance guidelines will come out in next newsletter for this method of drilling.

Danny asked again about the UST Branch and domestic use well issues previously discussed. David said DOW is still working on this issue. Todd said it is becoming more of an issue with monitoring well drillers. Scotty stated that the regulations intended for monitoring well drillers are not intend to allow them to decommission water wells at will. The regulation allows for one time variance in special situations. We will continue to work on this. A short discussion on abandoned wells followed.

New Business:

Danny asked if there was any New Business. David said that DOW got a call from LRC and they are doing an audit. We had to complete a questionnaire. David suggested that the board develop a website or other source. He indicated Melody Burgess had requested minutes from last meeting, and it would be great if the board were able to put them on the a website or make a website for the certification board. Todd asked about using the DOW website, that they now have. David indicated that might be possible.

Kevin Moses stated he had not been able to get information about the workshop of past year from Melody for David as requested, melody had not responded to his requests. Kevin sated his firm is looking for drillers (rig operators) for drilling water wells and geothermal wells. He asked that we put an advertisement in next newsletter for him.

David said that Governor Beshear had proclaimed September 11th as an annual Protect Your Groundwater Day in Kentucky. Also, that DOW is in the process of doing a pathogen sampling study on private wells and passing out materials on groundwater. Bart said that the KGS put on a field trip for karst and groundwater at the Kentucky Horse Park and its watershed.

Danny asked if there was any further new business. No further new business was brought up.

Next Meeting:

Danny asked for suggestions for the date, time, and location for the next meeting. Short discussion of the parks available and dates open for everyone followed. Roy made a motion to meet in General Butler State Resort Park and Bart seconded the motion. Danny then called for a vote on the motion. The motion passed unanimously by the board. Todd asked about the date and time of next meeting. Orris suggested November 9th at 9:00 a.m. EST and David seconded the motion. The motion passed unanimously by the board.

Adjournment:

Danny asked for a motion to adjourn the meeting. A motion to adjourn was made by Orris and seconded by Roy and was passed unanimously. Danny Kelly adjourned the meeting at 12:30 p.m.